

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

GARN PENROD
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

AMERICAN CORADIUS INTERNATIONAL, LLC,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Garn Penrod through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

3. The Defendant to this lawsuit is American Coradius International, LLC which is a Delaware company that maintains registered offices in Ingham County.

VENUE

4. The transactions and occurrences which give rise to this action occurred in Utah County.
5. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect on an alleged debt owed by client to USAA for a personal credit card.
7. On or about March 24, 2011, Defendant called client and left a message.
8. Defendant's message failed to disclose that it was a debt collector or that it was a communication in an attempt to collect a debt.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

9. Plaintiff reincorporates the preceding allegations by reference.
10. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
11. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
12. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
13. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;

14. The Plaintiff has suffered statutory, emotional and economic damages as a result of these violations of the FDCPA.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages including damages for emotional distress;
- b. Statutory damages,
- c. Treble damages,
- d. Statutory costs and attorney fees.

Respectfully submitted,

February 2, 2012

/s/ Gary Nitzkin
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